

# Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of MARBLETOWN

Local Law No. 1 of the year 20<sup>25</sup>

A local law A LOCAL LAW TO AMEND CHAPTER 200 OF THE ZONING LAW  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of MARBLETOWN

as follows:

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STATE RECORDS  
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DEPARTMENT OF STATE

Dept. of State Local Law index #1 of the year 2025

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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TOWN OF MARBLETOWN  
ZONING LOCAL LAW NO. 1 OF 2025  
A LOCAL LAW TO AMEND THE ZONING LAW

BE IT ENACTED by the Town Board of the Town of Marbletown as follows:

**Section 1. Legislative purpose and intent.**

The primary purpose and intent of this Local Law is to amend Chapter 200 of the Town Code to implement Marbletown's housing policies established in the Town's 2005 Comprehensive Plan (Plan), reinforced in a 2024 update. The Plan's overall housing goal is for Marbletown to ensure that: "Housing opportunities for the full economic range of the Town's population should be provided in a form that is compatible with the scale and pattern of existing development. The special housing needs of senior citizens, lower-income, and young families should receive particular attention." The amendments are necessary and desirable to protect the public health, safety, welfare, and the environmental resources of the Town of Marbletown.

A secondary purpose of this Local Law is to correct inconsistencies identified in the present Zoning Law from enactments of prior Local Laws amending the Zoning Law. Such prior amendments resulted in section and subsection references to specific paragraphs that no longer existed or where the prior amendments replaced, revised, or rearranged the Zoning Law's rules.

The primary amendments specifically address the need for affordable housing in the Town. In 2022 and 2023, the Marbletown Housing Committee conducted a survey in which 80 percent of all those surveyed said that there was not enough "adequate and affordable" housing in Marbletown. As elsewhere in New York State and in much of the nation, affordable housing for seniors, growing families, and others is an urgent issue. Ulster County's Housing Smart Communities recommendations provide a number of potentially beneficial housing actions that were considered and incorporated into the amendments. Maintaining a vital middle class in Marbletown is a must if the town is to continue to grow its schools, health facilities, and other support services.

Single-family homes are the predominant housing style within the Town's present development patterns, accounting for 86% of Marbletown's housing units. Nationally, single family accounts for 62% of all housing units. In addition, 28% of the Town's housing units are considered vacant, indicating a large supply of second single-family homes. Many of these homes are used as vacation homes and are not occupied year-round. The high demand for second homes has been a factor in driving up the cost of housing for all residents.

The Town's existing single-family dwellings have the potential for development of on-site accessory dwelling units (ADU) within the principal (primary) dwelling or in an accessory structure such as a garage or cottage. Accessory dwelling units are one of the fastest growing housing styles nationwide. ADUs are smaller, independent residential dwellings located on the same lot as a single-family house. ADUs offer an affordable housing option by using existing land and infrastructure. They provide homeowners with supplemental income, can increase property values, offer housing for family members, and provide more potential housing options for all residents. New York State is actively promoting the construction of ADUs through its Plus One ADU Program, of which Ulster County is a beneficiary.

Ulster County's Housing Smart Communities initiative also promotes the development of ADUs because: "ADUs are low-cost due to the size and are a valuable source of affordable rental housing for seniors, young workers, and single person households." [Ulster County Housing Action Plan (2/2021), page 89]. According to the US Department of Housing and Urban Development and the 2018 American Community Survey, 37.7% of renters in Marbletown are living in "Severely Cost Burdened and Unaffordable Housing" while 29.2% of owners are living in "Severely Cost Burdened and Unaffordable Housing." Significantly, there was a 56% increase in the average rent price for a two-bedroom apartment in Ulster County from 2020 to 2023, outpacing inflation and growth in median income according to Ulster County's 2023 Rental Housing Survey.

## **Section 2. Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

### **Section 3. Authority; purpose.**

**Article I, Section 200-3 of the Zoning Law entitled "Authority; purpose" is hereby amended by adding two new subsections "K." and "L." as follows:**

- K. To provide housing opportunities for the full range of the Town's population, taking special care for the housing needs of senior citizens, lower-income and young families, in a form compatible with the scale and pattern of existing development.**
- L. To provide housing that supports the economic diversity of the Town and fosters social and environmental conditions that protect and enhance the social fabric of the community and is beneficial to the health, safety, and welfare of its residents.**

### **Section 4. Use Regulations**

**Article III, Section 200-8 of the Zoning Law entitled "Schedule of Use Regulations" is hereby amended by replacing the "SU Key to Symbols" with the following:**

- SU Denotes use allowed by special use permit (§§ 200-46 and 200-69) upon approval by the Planning Board.**

Article III, Section 200-8 of the Zoning Law entitled "Schedule of Use Regulations" is hereby amended by replacing the row under Accessory Residential Uses entitled "Accessory apartment, as defined in Article IV" with two rows for "Attached Accessory Dwelling Unit" and "Detached Accessory Dwelling Unit" as follows:

Use	A-2 A-3 A-4	R1 R2	R-3	SR-E	SR-N	B-1	B-2	I-1	IB	Supplementary Regulations
USES										
Attached Accessory Dwelling Unit	P	P	P	P	P	SP	SP	X	X	§ 200-52A. to C.
Detached Accessory Dwelling Unit	P	P	P	P	P	SP	SP	X	X	§ 200-52A. to C.

**Section 5. Definitions.**

Article IV, Section 200-13 of the Zoning Law entitled "Terms defined" is hereby amended by deleting the definition of an "Accessory Apartment" and adding a new definition for an Accessory Dwelling Unit as follows:

**ACCESSORY DWELLING UNIT**

An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling, as illustrated in the graphic below. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- A. Attached ADU. An attached accessory dwelling unit is part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- B. Detached ADU. A detached accessory dwelling unit is created within a detached structure. Examples include converted garages, converted barns, or other accessory buildings such as cottages, guest houses, or tiny houses complying with the Residential Code of New York State.



*Accessory Dwelling Unit Types and Conversions. Illustrations by Regional Plan Association*

**Article IV, Section 200-13 of the Zoning Law entitled “Terms defined” is hereby amended by adding the following new definitions:**

**AFFORDABLE HOUSING UNIT**

A residential dwelling that is rented or sold at a price within the range of low-to moderate-income households as established by the Town Board.

**COTTAGE**

An accessory building on the same lot as a primary dwelling used for occupancy, provided that the building meets all applicable setback and lot coverage requirements of this chapter and those requirements related to the provision of suitable water supply and sewage disposal.

**DWELLING, PRIMARY**

A building in which is conducted the principal residential use of the lot on which it is located. For residentially zoned lots, such a building would be a single-family dwelling.

**FACADE**

That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

**INCOME ELIGIBLE HOUSEHOLD**

A household eligible to rent an affordable housing unit. The household’s aggregate annual income must be less than 120% of the Ulster County median family income for a family of a particular size as determined annually by the United States Department of Housing and Urban Development (HUD).

**PUBLIC VIEWING LOCATIONS**

Public viewing locations are lands dedicated to and available to the public for the use, enjoyment, and appreciation of natural or scenic qualities and areas of high public exposure including sites listed on National or State registers of historic places, locally designated historic or scenic resources, State Forest lands, designated trails, municipal parks, other designated open space areas, and federal, state, county, and local roads.

**SPECIAL PERMIT USE or SPECIAL USE**

A land use which is deemed permissible within a given Zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Planning Board in accordance with conditions set forth for such use, as well as other applicable provisions of this Chapter. Both general and specific conditions have been established for special permit uses to ensure that the use is in harmony with the Town Zoning Law and Town of Marbletown Comprehensive Plan and will not adversely affect the neighborhood if the requirements are met.

**Article IV, Section 200-13 of the Zoning Law entitled "Terms defined" is hereby amended by replacing the definition of "Livable Floor Area" with the following new definition:**

**LIVABLE FLOOR AREA**

The enclosed floor area of a dwelling used or intended to be used for living, sleeping, cooking or eating purposes, excluding unfinished basements and cellars, rooms for heating equipment, porches, closets, bathrooms, water closet compartments, laundry, and other unheated areas and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches and then only if at least 75% of such floor area has a ceiling height of seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway.

## **Section 6. Area and Bulk Regulations.**

**Article V, Section 200-20 of the Zoning Law entitled "Density Control Schedule" is hereby amended by adding a new footnote number "6" in the Table under the first heading "Minimum Lot Dimensions", then under the second heading "Residential" and in the third heading column after "Minimum Lot Area Per Dwelling Unit" but before "(acres)" and in the "NOTES" section a new note "6." as follows:**

6. The minimum lot area per dwelling unit does not apply to Accessory Dwelling Units complying with the standards set forth in §§ 200-52.A to 200-52.C.

**Article V, Section 200-24 of the Zoning Law entitled "Supplementary lot area and density requirements" is hereby amended by replacing Subsection A with a new Subsection A as follows:**

- A. In any zoning district where one-family dwellings are permitted, a total of three or fewer such dwellings may be permitted on a single lot subject to the following conditions and procedures:
  - (1) Up to two accessory dwelling units are permitted provided they are in compliance with all standards set forth in §§ 200-52.A to 200-52.C.
  - (2) In no case shall more than three dwelling units be permitted on the same lot. For purposes of this section, an accessory dwelling unit, as defined in § 200-13, is considered a dwelling unit.

## **Section 7. Supplementary Regulations.**

**Article VI, Section 200-38 of the Zoning Law entitled "Agriculture" is hereby amended by replacing Subsection C(2)(c) with a new Subsection C(2)(c) as follows:**

- (c) The Planning Board may reduce the above distances based on a finding that potential effects of such activities will be minimized due to topography, natural vegetation, separation by other physical features or adjacency with other agricultural uses.

**Article VI, Section 200-39 of the Zoning Law entitled "Off-street parking and loading regulations" is hereby amended by replacing Subsection A(1)(b)[3] with a new Subsection A(1)(b)[3] as follows:**

- [3] A special permit for such use is obtained from the Planning Board.

**Article VI, Section 200-39 of the Zoning Law entitled "Off-street parking and loading regulations" is hereby amended by replacing Subsection A(6) with a new Subsection A(6) as follows:**

- (6) For uses that are legally permitted within the district in question but which are not specified above in this § 200-39: as established by the Planning Board.

**Article VI, Section 200-41 of the Zoning Law entitled "Gasoline filling stations" is hereby amended by replacing Subsection E with a new Subsection E as follows:**

- E. All major repair work and all storage of equipment and parts shall be within a completely enclosed building which has a maximum height of 25 feet. Such repair work shall not include any body repair work or spray painting or car washing which requires mechanical equipment in a B-1 District except by special permit of the Planning Board as provided by this chapter.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsections A, B, and C with new Subsections A, B, and C as follows:**

- A. **General provisions.** Uses allowed by special use permit are hereby declared to possess characteristics which require that each specific use shall be considered an individual use. Any use for which a special use permit is granted by the Planning Board shall be deemed a use permitted in the district in which located, except that for any addition or enlargement of such use, a separate special use permit shall be required for each addition or enlargement. A use allowed by special use permit must be in conformity with the provisions of this chapter and shall affect only the lot or portion thereof for which it shall have been granted.
- B. **Required plan.** A plan for the proposed development of a site for a use allowed by special use permit shall be submitted with the application for a special use permit to the Planning Board, and such plans shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of the chapter.
- C. **Basis for deliberation; general provisions.** Before issuing a special use permit, the Planning Board shall take into consideration the public health, safety, morals and welfare, and shall assure itself of the following:
- (1) That there shall not be any detrimental effect by the establishment of such use on other uses within the district.
  - (2) That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences, and parking areas will not discourage the appropriate development and use of adjacent lands.
  - (3) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.
  - (4) That the use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas.
  - (5) That the use shall be consistent with the Town Comprehensive Plan, Design Standards and Guidelines, and other applicable plans adopted by the Town.
  - (6) That the Planning Board shall be empowered to impose reasonable additional conditions and safeguards to the special use as are directly related to and incidental to the proposed special use permit and which may be necessary to assure continual

conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced.

- (7) That the use meets the prescribed requirements for the district in which it is located, including minimum yard requirements for the district or as further specified in this section and including maximum height, required off-street parking, lighting, and sign regulations and the following prescribed standards.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsection D(8)(b) with a new Subsection D(8)(b), as follows:**

- (b) Outdoor areas, including camping or picnic areas and playground or sports areas, shall be located at least 200 feet from all property lines. The Planning Board may require suitable fencing and landscaping around all outdoor areas.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsections D(9)(a), D(9)(b), D(9)(c), and D(9)(f) with new Subsections D(9)(a), D(9)(b), D(9)(c), and D(9)(f) as follows:**

- (a) Before a special permit is issued, the applicant shall submit to the Planning Board two copies of a map at a scale of one inch equals no more than 100 feet, showing all land within 200 feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers and names of the land owners. Such map shall also show the general topography.
- (b) The applicant shall also submit to the Planning Board two copies of the proposed plan of excavation at the same scale as above, showing the proposed finished elevations and the proposed drainage plan. The excavated land shall be left with no stagnant water, and no precipices over water.
- (c) Rock crushers shall not be permitted within 500 feet of adjacent property lines, except at the discretion of the Planning Board.

- (f) No special permit for excavation operations or soil mining shall be granted for a period of more than three years, but such permit may be extended for additional two-year periods upon approval of the Planning Board.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsection D(13)(a) with a new Subsection D(13)(a) as follows:**

- (a) The Planning Board shall find that such use will be located on a street or highway which provides suitable access.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsection D(15) with a new Subsection D(15) as follows:**

D. Reserved.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsections D(17)(a) [1], with a new Subsection D(17)(a)[1] as follows:**

- [1] Large-scale solar energy systems may be permitted, upon the issuance of a special use permit by the Planning Board, within the A-4, A-3, A-2, I-1, I/B, B-2 and R-1 Districts, subject to the requirements set forth in this section, including site plan approval.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsections D(17)(b) [5] and D(17)(b)[9] with new Subsections D(17)(b)[5] and D(17)(b)[9] as follows:**

- [5] A minimum fifty-foot perimeter buffer, except for the area of roadway access, consisting of natural and undisturbed vegetation or landscaping, as may be required by the Planning Board, shall be provided around all mechanical

equipment and solar panel arrays to provide screening from adjacent properties and Town, county and state roads.

- [9] All large-scale solar energy systems shall be enclosed by a continuous wildlife-friendly fence at least six feet high equipped with a self-closing mechanism to prevent unauthorized access. Such fence shall be set back at least 25 feet from all property lines and shall have five-inch by twelve-inch openings at ground level, spaced no more than 100 feet apart, to allow unencumbered travel by small animals. The type of fencing and the need for further landscaping to mitigate visual impacts shall be considered by the Planning Board during its review.

**Article VI, Section 200-46 of the Zoning Law entitled "Uses allowed by special use permit" is hereby amended by replacing Subsection D(17)(c) [6] with a new Subsection D(17)(c)[6] as follows:**

- [6] A decommissioning plan shall be prepared. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. As part of the decommissioning plan, a decommissioning cost estimate will be developed. Based on the decommissioning and reclamation costs and the proposed salvage value, the Planning Board shall determine, with advice from the Town Engineer and Town Attorney, if a bond needs to be submitted. If a bond is determined to be required, the amount and type shall become conditions of approval.

**Article VI, Section 200-48 of the Zoning Law entitled "Conservation Design Overlay District" is hereby amended by replacing Subsection B(4)(a) with a new Subsection B(4)(a) as follows:**

- (b) At least 10% of the total number of lots in such subdivision shall be affordable housing units as defined in § 200-13 of this Zoning Law.

**Article VI, Section 200-50 of the Zoning Law entitled "Design standards and guidelines for business districts" is hereby amended by replacing Subsection B with a new Subsection B as follows:**

- B. Regulated actions. The only actions that shall be subject to the Design Standards and Guidelines For Business Districts in Appendix A are those that require approval by the Town of Marbletown Planning Board pursuant to § 200-68, Site plan approval, or under § 200-46, Uses allowed by special permit. Actions by public agencies or special districts shall not be subject to the Design Standards and Guidelines.

**Article VI, Section 200-51 of the Zoning Law entitled “Adult business regulations” is hereby amended by replacing Subsections C(1) and C(2) with new Subsections C(1) and C(2) as follows:**

- (1) Adult bookstores, as defined in Subsection B above, shall only be permitted in the B-2 District, upon issuance of a special permit in accordance with §§ 200-46 and 200-69, and subject to the standards set forth in Subsection D below. No other adult use shall be permitted.
- (2) Any special permit issued under this section shall be subject to renewal annually by the Planning Board in the month in which the original permit was issued. Such renewal shall only be granted upon a determination by the Board that all requirements of this section and specific conditions of approval are being complied with and that no factors which would have affected the original approval have changed.

**Article VI, Section 200-52 of the Zoning Law entitled “Affordable housing” is hereby amended by replacing Subsection A “Intent” with a new Subsection A as follows:**

- A. Intent and Purposes. The Town Board recognizes that opportunities to secure safe, adequate housing in the Town of Marbletown are limited, particularly for senior citizens, young families of limited income, and for its workforce that serves the community's need for public safety, education, firefighting, nursing and similar medical services, the rescue squad, as well as veterans, especially those veterans who are disabled. The Town Board finds that it is in the best interests of the Town to promote housing opportunities for all residents including the full range of incomes and ages. The Town's goal is to establish a process and guidelines which will provide opportunities for both flexibility and innovation in accomplishing this objective as recommended in the 2024 Comprehensive Plan. Affordable housing units are an essential component of housing choice and supply in the Town of Marbletown and are allowed in certain situations to:
- (1) Create new housing units while respecting the scale and character of single-family dwelling neighborhoods;

- (2) Support a more efficient use of the Town's existing housing and its available infrastructure;
- (3) Offer an environmentally-friendly housing choice for residents with less average space per person and smaller carbon footprints while meeting a recognized demand for local affordable housing;
- (4) Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
- (5) Provide accessible housing for seniors and persons with disabilities, among others.

**Article VI, Section 200-52 of the Zoning Law entitled "Affordable housing" is hereby amended by renumbering Sections B through H to Sections D through J and by replacing Sections B and C with new Sections B and C as follows:**

- B. Accessory Dwelling Units.** There are many benefits associated with the creation of legal accessory dwelling units on parcels containing single-family dwellings. These include:
- (1) Increasing the supply of a more affordable type of housing not requiring government subsidies;
  - (2) Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of housing types, prices, rents and locations;
  - (3) Increasing housing diversity and supply, while providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
  - (4) Providing homeowners with extra income to help meet rising homeownership costs;
  - (5) Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;
  - (6) Providing an opportunity for increased security, home care and companionship for older and other homeowners;
  - (7) Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
  - (8) Promoting a more compact pattern of development, a pattern that reduces the loss of farms, forested lands, open space areas, and natural resources and limits increases in pollution that contributes to climate instability; and
  - (9) Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.

- C. **Standards.** Accessory dwelling units are allowed in all zoning districts that allow residential uses, subject to the requirements of this Zoning Law. One attached accessory dwelling unit may be added to a lot that does meet the Minimum Lot Area Per Dwelling Unit in accordance with § 200-20, the Density Control Schedule, provided the Ulster County Department of Health or a professional civil engineer licensed by the State of New York certifies that water supply and sewage disposal facilities are adequate for the intended use. Accessory dwelling units are subject to compliance with the following:
- (1) **First Accessory Dwelling Unit.** One Accessory dwelling unit may be added to any lot with a primary dwelling unit, subject to compliance with the Standards herein and issuance of a Building Permit from the Code Enforcement Officer. The first accessory dwelling unit may be in the form of an attached or detached accessory dwelling unit.
    - (a) One accessory dwelling unit is permitted per residentially zoned lot meeting the minimum lot size requirement for a single-family dwelling in the Zoning district. An accessory dwelling unit may be built on any lot with a single-family dwelling that is nonconforming, solely because the lot is smaller than the minimum size, provided the accessory dwelling unit would not increase the nonconformity of the residential use with respect to building height, bulk or lot coverage.
    - (b) No additional parking is required for the first accessory dwelling unit. Existing required parking for the primary dwelling must be maintained or replaced on-site.
    - (c) If, in the judgment of the Code Enforcement Officer, sufficient doubt exists as to whether the application can comply with the Standards herein due to practical difficulties, such as terrain or environmental conditions, referral shall be made to the Planning Board, within five days of receipt of the application for a Building Permit, for Expedited Site Plan approval.
  - (2) **Second Accessory Dwelling Unit.** A second accessory dwelling unit may be added to a lot with a primary dwelling unit and an accessory dwelling unit in the A-2, A-3, A-4, R-1, R-3, SR, B-1, and B-2 Zoning districts, subject to issuance of expedited site plan approval from the Planning Board in accordance with § 200-68.C.(1) and compliance with applicable sections of §§ 200-46 and 200-52.C(2)(a) through (i) as follows:
    - (a) At least one accessory dwelling unit is an affordable housing unit reserved solely for “income-eligible households,” as defined in this Zoning Law. The affordable housing unit is subject to an agreement specifying the affordability requirements under this subsection in order to ensure that the housing shall serve only income-eligible households for a minimum period of 15 years.
    - (b) Monthly rent for the affordable housing unit, including basic utilities, shall not exceed 30% of the income limit for the unit, as determined by the Planning Board, and the housing owner shall submit a report to the Town Building and

Code Enforcement Department annually that documents how the affordable housing unit meets the terms of the recorded agreement. Prior to issuance of the building permit for the affordable housing unit, and as a condition of that issuance, the applicant shall execute and record a declaration in a form acceptable to the Town Attorney that shall commit the applicant to satisfying the special use permit conditions for establishing a second accessory dwelling unit as the affordable housing unit and as approved by the Planning Board. Non-compliance with the reporting requirement shall be grounds for the Planning Board to revoke the special use permit.

- (c) The lot is 125% of the minimum lot size required for a single-family dwelling in the Zoning district. Where the lot falls within two or more contiguous Zoning districts, the Planning Board may authorize the second accessory dwelling unit to take place in any portion of one or more such districts provided the lot size requirement is met for the district in which the single-family dwelling is situated.
- (d) One additional parking space is required for a second accessory dwelling unit.
- (e) In a detached structure used for an accessory dwelling unit, the exterior of the structure shall retain a residential appearance and compatibility with the primary dwelling unit, as viewed from the road. Any affected structure that is locally landmarked by the Historic Preservation Commission and Town Board, shall obtain a Certificate of Appropriateness from the Historic Preservation Commission for any proposed exterior changes.
- (f) A detached accessory dwelling unit shall be located at least six feet behind the primary dwelling unit, unless the accessory dwelling unit is in an existing detached structure that does not meet this standard. In this case, the Planning Board shall consider and make a finding in its approval of the special use permit as follows:
  - [1] The Planning Board finds that the conversion is screened from visually sensitive public viewing locations, including but not limited to the lot's front yard, by appropriate landscaping, existing landforms, or other means as determined by the Planning Board; or
  - [2] The Planning Board finds that the conversion is of a minor nature and is consistent with the design standards set forth herein.
- (g) The building coverage of a detached accessory dwelling unit may not be larger than the building coverage of the primary dwelling unit.
- (h) No portion of an existing building that encroaches within a required yard setback may be converted to or used as a detached accessory dwelling unit unless the building complies with the setback requirements for the Zoning district.

- (i) The applicant shall provide certification by the Ulster County Department of Health or by a professional civil engineer licensed by the State of New York and retained by the applicant that the water supply and sewage disposal facilities are adequate for the projected number of residents in the detached accessory dwelling unit.
- (3) Standards. All accessory dwelling units shall meet the following requirements:
- (a) An accessory dwelling unit shall contain a minimum of 200 square feet of habitable space as defined by the most recent Property Maintenance Code of New York State, with a maximum of 1,000 square feet, or the size of the primary dwelling unit, whichever is less.
  - (b) For attached accessory dwelling units, only one entrance may be located on the facade of the primary dwelling facing the road, unless the primary dwelling's facade contained additional entrances before the attached accessory dwelling unit was created.
  - (c) Fire escapes or exterior stairs for access to an upper level accessory dwelling unit shall not be located on the facade of the building.
  - (d) Alterations to the primary dwelling unit to accommodate an attached accessory dwelling unit shall be designed to retain its exterior appearance as a single-family dwelling, as viewed from the road. No more than 100 square feet may be added to the exterior of the principal structure to accommodate an attached accessory dwelling unit.
  - (e) Alterations to a detached building to accommodate a detached accessory dwelling unit shall be designed to foster compatibility in building architecture and related site design with the primary dwelling unit.
  - (f) The maximum height allowed for a detached accessory dwelling unit is the lesser of 25 feet or the height of the primary dwelling.
  - (g) Application fees for accessory dwelling units shall not be more than 30 percent of the application fee for a single-family dwelling. The information required on the applications for creating or legalizing accessory dwelling units shall be the same information that is required to construct a single-family dwelling unit.
  - (h) An accessory dwelling unit may not be located on a property where a current building violation exists, unless the legalization or creation of the accessory dwelling unit will cure the violation.
  - (i) A lot containing an accessory dwelling unit or units shall be occupied by the owner of the premises, and the owner may live in either an accessory dwelling unit or the primary dwelling unit.
  - (j) Occupancy and use standards for an accessory dwelling unit shall be the same as those applicable to a primary dwelling on the same site.

- (k) No wetlands designated by the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers, as identified by recognized published sources, are located within 100 feet of a proposed detached accessory dwelling unit or within 100 feet of a proposed addition to the primary dwelling unit to accommodate an attached accessory dwelling unit.
- (l) Existing access roads or driveways to serve a new detached accessory dwelling unit shall be approved or consented to, in writing, by the appropriate highway department.
- (m) Short-term rentals, as defined in § 200-12, of the primary dwelling or accessory dwelling unit(s) shall be prohibited except for Short-term rental permits issued prior to enactment of Local Law No. 4 of 2019, which may continue until revoked or deemed inactive by the Code Enforcement Officer for a period of six or more months. Owners shall be required to provide proof of a rental agreement including the duration of the period upon request of the Town of Marbletown Code Enforcement Officer. Fines for each violation shall be as follows: 1st time warning, second violation and \$500.00 for each subsequent violation.
- (n) For applications involving detached accessory dwelling units in the B-1 and B-2 Zoning Districts, the Planning Board shall use the Design Standards and Guidelines for Business Districts (see Appendix A) as the basis for its review and determination.

## **Section 8. Nonconforming Buildings, Uses and Lots; Preexisting, Legal Nonconforming Natural Gas and/or Petroleum Extraction Activities**

**Article VII, Section 200-55 of the Zoning Law entitled "Discontinuance" is hereby amended by replacing Subsection C with a new Subsection C as follows:**

- C. Any nonconforming use occupying a building with a floor area of more than 200 square feet, which is discontinued for a period of more than two years, shall thereafter be replaced only by a use permitted in the district in which the building is located; except that upon approval of a special permit by the Planning Board in accordance with the provisions of §§ 200-46 and 200-69, the building may be used for a similar or more restricted use as defined in Article XI. The Planning Board shall consider, in addition to those criteria set forth in § 200-46, the size, condition and adaptability of the building to other uses in arriving at its decision.

## **Section 9. Administration**

**Article VIII, Section 200-66 of the Zoning Law entitled “Zoning Permit” is hereby amended by replacing Subsection B(3) with a new Subsection B(3) as follows:**

- (3) Involves exterior modifications to the structure or disturbance of driveways, parking areas, landscaping or similar exterior site features which were part of a site plan approved by the Planning Board or a plot plan approved by the Planning Board.

**Article VIII, Section 200-68 of the Zoning Law entitled “Site plan approval” is hereby amended by replacing Subsection C(1) with a new Subsection C(1) as follows:**

- (1) Pre-submission. Prior to the submission of a formal site plan, the applicant shall meet in person with the Planning Board and/or its designated representative to discuss the site plan and to determine the specific items and level of detail of the submission requirements necessary for review of the required site plan. All procedural requirements listed in §§ 200-68.C (2) through (8) shall be followed. At the pre-submission meeting, the Planning Board shall take one of three actions:
  - (a) Administratively determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring expedited site plan review and approval under Article VIII. Such determination shall be restricted to applications including the establishment of permitted uses within existing complying structures or the limited modification of existing conforming uses and complying structures, as determined by the Planning Board, wherein no substantial site improvements are either required or proposed. The Planning Board will determine the required submission requirements, as set forth in § 200-68.E of this Article that are relevant to its review, which data may be waived, and shall inform the applicant of such determination. Expedited site plan review should be limited to building elevation and design, parking, lighting and signage, and water and sewer services, unless the Planning Board has specific concerns regarding public health, safety or general welfare and such concerns are specifically set forth in the minutes of the Planning Board meeting. Applications generally eligible for expedited site plan review include but are not limited to adding a second accessory dwelling unit on a residential parcel with a primary dwelling unit and one accessory dwelling unit.
  - (b) Administratively determine that the project does require full review under Article VIII, based upon the project’s scope and/or land use, site and building design

characteristics, and advise the applicant of the site plan submission requirements in accordance with the site plan checklist set forth in § 200-68.E of this Article. At this time, one or more of the site plan submission requirements, as set forth on the checklist, may be waived by the Planning Board.

- (c) Require additional sketch plan information prior to making a determination regarding the applicability of the full site plan review and approval procedure to the intended project.

## **Section 10. Zoning Board of Appeals**

Article IX, Section 200-75 of the Zoning Law entitled “Special Use Permits” is hereby amended by replacing the entire Section with a new Section 200-75 as follows:

§ 200-75 (Reserved)

## **Section 11. Effective Date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2025 of the (County)(City)(Town)(Village) of MARBLETOWN was duly passed by the TOWN BOARD on MARCH 18 2025, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Debra Moody, Town Clerk*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/3/2025

(Seal)

**Effective Date of this Local Law**

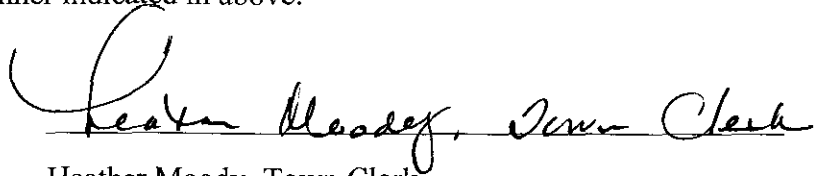
This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

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I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2025 of the Town of Marbletown, was duly passed by the Town Board on March 18, 2025 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in above.

(Seal)

  
Heather Moody, Town Clerk

Date: 4/3/2025

STATE OF NEW YORK  
COUNTY OF ULSTER



## TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York December 3, 2024, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

**PRESENT:** Rich Parete, Mary Ann Van Benschoten, and Tim Hunt

**ABSENT:** Ken Davenport

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Hunt

**RESOLUTION#116-2024; TOWN OF MARBLETOWN INTRODUCTORY LOCAL LAW NO. A OF 2025 ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE PROPOSED AMENDMENTS TO THE MARBLETOWN ZONING LAW CHAPTER 200 ZONING**

**And**

**REFERRING COPIES OF INTRODUCTORY LOCAL LAW NO. A OF 2025 TO THE TOWN PLANNING BOARD AND ULSTER COUNTY PLANNING BOARD**

**WHEREAS**, the Town Board of the Town of Marbletown is considering adoption of Introductory Local Law No. A of 2025 that sets forth the procedures for amendments to the Town of Marbletown Zoning Law pursuant to Article X, Sections 200-80 through 200-85 of the Town Code of the Town of Marbletown, Ulster County, New York; and

**WHEREAS**, Introductory Local Law No. A of 2025 sets forth a process that would allow the approval of accessory dwelling units, subject to building permits and in certain cases site plan and special use permit approvals; and

**WHEREAS**, Introductory Local Law No. A of 2025 further sets forth amendments to the Zoning Law in the form of corrections to a number of inconsistencies identified in the Zoning Law, that were created when prior Zoning amendments were enacted. Most of these corrections pertain to references that are no longer extant; and

**WHEREAS**, the Town Comprehensive Plan recommends implementation of a policy first established in the 2005 Town Plan and updated in a 2024 Town Plan Update that "Housing opportunities for the full economic range of the Town's population should be provided in a form that is compatible with the scale and pattern of existing development. The special housing needs of senior citizens, lower-income, and young families should receive particular attention."; and

**WHEREAS**, pursuant to Section 200-81 of the Zoning Law, every proposed amendment to the Zoning Law shall be referred to the Town Planning Board for an advisory report of its recommendations on the proposed Zoning amendments; and

**WHEREAS**, pursuant to New York State General Municipal Law Sections 239-l and 239-m, referral of certain proposed town zoning actions must be referred to the Ulster County Planning Board for inter-community or county-wide considerations; and

**WHEREAS**, the Town Board has called for a public hearing for the purpose of hearing from the community on the Zoning amendments described herein.

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Marbletown (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

The Town Board of the Town of Marbletown shall hold a public hearing on January 21, 2025, at 6:00 o'clock P.M. at the Town Hall, 1925 Lucas Avenue, Stone Ridge, New York, to hear all interested parties on the proposed adoption of Introductory Local Law No. A of 2025; and

The Town Clerk is hereby authorized and directed to publish notice of said public hearing in the official newspaper of the Town, on January 12, 2024, which is not less than ten (10) calendar days prior to the date of said public hearing.

The Town Clerk is hereby directed to refer copies of the proposed Introductory Local Law No. A of 2025 and related documentation to the Town Planning Board and Ulster County Planning Board for their review and comment.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

- |                             |                      |
|-----------------------------|----------------------|
| Councilman Davenport        | Voting <u>Absent</u> |
| Councilwoman Foote          | Voting <u>Aye</u>    |
| Councilwoman Van Benschoten | Voting <u>Aye</u>    |
| Councilman Hunt             | Voting <u>Aye</u>    |
| Supervisor Parete           | Voting <u>Aye</u>    |

Resolution #116-2024 was thereupon adopted.

*Heather Moody, Town Clerk/Tax Collector*

Dated: December 3, 2024



## TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session at the Town Hall, 1925 Lucas Ave Cottekill, New York on March 18, 2025, at 6:00 P.M. local time. The meeting was called to order by Supervisor Richard Parete, and, upon roll being called, the following were:

**PRESENT:** Rich Parete, Mary Ann Van Benschoten, Tim Hunt, Ken Davenport and Daisy Foote

**ABSENT:**

The following Resolution was offered by Councilwoman Foote and seconded by Councilwoman Van Benschoten

**RESOLUTION #38-2025: AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF MARBLETOWN OF LOCAL LAW NO. A (Proposed) OF 2025 REGARDING AMENDMENTS TO THE MARBLETOWN ZONING LAW**

**WHEREAS**, a Local Law entitled “Town of Marbletown Introductory Local Law No. A (Proposed) to Amend the Zoning Law” was presented to the Town Board of the Town of Marbletown at a regular meeting held on December 3, 2024; and

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Marbletown on December 3, 2024, setting a public hearing to be held by said Town Board on January 21, 2025 at 6:00 PM at the Town Hall, 1925 Lucas Ave, Stone Ridge, NY to hear all interested parties on said proposed local law; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act (SEQR), the Town Board has determined that adoption of Local Law No. A is a Type I action; and

**WHEREAS**, the Town Board prepared and considered a Full Environmental Assessment Form, which evaluates the potential environmental impacts of the proposed Zoning Amendments; and

**WHEREAS**, the Town Board determined that the adoption of Local Law No. A (Proposed) of 2025 will not have a significant adverse impact on the environment, that a Draft EIS would not be prepared, and adopted a Negative Declaration under SEQR on March 18, 2025; and

**WHEREAS**, the Town Board has reviewed the Town Comprehensive Plan and determined that the proposed Local Law is consistent with the Town Comprehensive Plan; and

**WHEREAS**, the Town Board duly referred the proposed Local Law to the Ulster County Planning Board on December 5, 2024, pursuant to Sections 239-l and 239-m of General Municipal Law and received “required modification” comments from the County Planning Board dated January 9, 2025; and

**WHEREAS**, the Town Board prepared responsive modifications to the Local Law as recommended by the Ulster County Planning Board; and

**WHEREAS**, the Town Board of the Town of Marbletown, after due deliberation, finds it is in the best interests of the Town to adopt said Proposed Local Law, in the form attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Marbletown as follows:

1. The Town Board hereby adopts said Local Law No. A (Proposed) of 2025 in the form attached hereto and made a part of this resolution; and
2. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Marbletown and as revised as of the date hereof, now to be referred to as Local Law No. 1 of 2025, entitled "Local Law No. 1 of 2025; A local law amending the Town Zoning Law," to file the Local Law with the Secretary of State of New York, to give due notice of the adoption of said local law to the Ulster County Planning Board as a "Final Action Report" within 30 days after filing, and to take all other actions as may be required by law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Davenport                      Voting Aye

Councilwoman Foote                        Voting Aye

Councilwoman Van Benschoten            Voting Aye

Councilman Hunt                             Voting Aye

Supervisor Parete                          Voting Aye

Resolution #38-2025 was there upon adopted.

*Heather Moody, Town Clerk/Tax Collector*

Dated: March 18, 2025